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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE: AMERANTH PATENT
LITIGATION**

| Lead Case No. 11-cv-1810 DMS (WVG)

**PLAINTIFF AMERANTH AND
DEFENDANT MOBO SYSTEMS, INC.
D/K/A OLO'S JOINT MOTION TO
EXTEND DEADLINES**

Complaint Filed: August 15, 2011

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1 Plaintiff Ameranth, Inc. (“Ameranth”) and Defendant Mobo Systems, Inc.
2 d/k/a OLO (“OLO”) jointly move the Court jointly move the Court for an order
3 extending deadlines to complete expert witness depositions of three of
4 Ameranth’s experts (Malek, Shamos, & Brown), and two of OLO’s experts
5 (Kidder & Chatterjee), and for the filing of dispositive motions. This Joint
6 Motion relates only to *Ameranth v. OLO* and does not apply to the other
7 Defendants in the Food Ordering Company industry group.

8 This Joint Motion is necessary in light of the scheduling of Ameranth’s
9 expert depositions (i.e. four different food ordering defendants each scheduling
10 depositions of Ameranth’s validity, infringement, and damages experts), the
11 scheduling of OLO’s expert witnesses, and the availability of the experts for
12 deposition. In particular, one of Ameranth’s experts recently had a death in the
13 family which necessitated rescheduling his deposition, which in turn affected
14 other expert deposition scheduling.

15 The schedule the parties were able to arrive at through meet and confer
16 over expert depositions includes scheduling three of Ameranth’s expert’s
17 depositions in September (Brown on Sept. 14; Malek on September 17; and
18 Shamos on Sept. 19), and one of Olo’s expert deposition in September (Kidder
19 the week of September 24). OLO’s final expert witness, Dr. Chatterjee, is not
20 available for deposition until early October, 2018, and the parties have further
21 agreed that Ameranth may conduct the deposition of Dr. Chatterjee at least 2
22 week prior to the due date for its brief in Opposition to any motion filed by OLO
23 that relies on, or references in any way, the expert report of Chatterjee
24 (“Chatterjee Deposition Agreement”). To that end, OLO has further agreed to
25 set the hearing date on any such motion for a date that accommodates the above
26 Chatterjee Deposition Agreement. Thus, the requested extension of the
27 dispositive motion deadline and expert discovery will allow the parties to
28 conclude the depositions of Ameranth’s experts and OLO’s damages expert by

1 September 28, 2018 and obtain deposition transcripts for possible inclusion in
 2 motions to be filed on the requested extended motion filing deadline of
 3 September 28, 2018.

4 Ameranth and OLO have met and conferred and stipulate, agree, and
 5 jointly move to extend these deadlines only as to themselves as follows:

Description	Current Date (Dkt. 1092)	New Date
Ameranth/OLO Deadline to conduct depositions of experts Brown, Malek, and Kidder	September 7, 2018	September 28, 2018
Ameranth/OLO Motion Deadline	September 14, 2018	September 28, 2018

11
 12 Ameranth and OLO stipulate and agree to the foregoing, and jointly move
 13 that the Court enter the accompanying proposed Order, and further stipulate and
 14 agree that this Joint Motion is not made for any improper purpose.

15
 16 Respectfully submitted,

17 Dated: September 7, 2018 CALDARELLI HEJMANOWSKI PAGE & LEER

18 By: /s/ William J. Caldarelli
 19 William J. Caldarelli

20 Attorneys for Ameranth, Inc.

21 Dated: September 7, 2018 COOLEY LLP

22 By: /s/ Lowell D. Mead
 23 Lowell D. Mead

24
 25 Attorneys for Mobo Systems, Inc. d/b/a OLO
 26 Online Ordering

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to counsel for Mobo Systems, Inc. d/b/a OLO Online Ordering, and that I have obtained each his authorization to affix his electronic signature to this document.

By: /s/ William J. Caldarelli

William J. Caldarelli

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2 CERTIFICATE OF SERVICE
3

4 I hereby certify that on September 7, 2018, I electronically transmitted
5
the attached document to defendants' counsel of record via email.
6

7 By: /s/ William J. Caldarelli
8 William J. Caldarelli
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